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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,089	03/06/2000	James Hanmer	540-190	8010

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EXAMINER

TAWFIK, SAMEH

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/23/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,089

Applicant(s)

HANMER, JAMES

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (3,380,583) in view of Forman (3,313,084).

Goodman discloses a method for the vacuum packaging of at least one article including at least the steps of creating at least one recess (Fig. 2, via perforations 18) in a backing board (12); positioning at a least one article (10) on the backing board; placing a film (20) substantially over the at least one article; and using a vacuum packaging machine (column 4, lines 27-32) to substantially package the at least one article (Fig. 2), the at least one article being situated between the backing board and the film, wherein the thickness of the backing board is at least 2mm (Figs. 1-3). Goodman does not disclose that applying a bonding agent to the backing board but not in a region adjacent to and extending around an area to be occupied by the at least one article. However, Forman discloses a similar method for the vacuum packaging of at least one article includes applying a bonding agent (Fig. 2, via spray gun 20) to the backing board (18) but not in a region adjacent to and extending around an area to be occupied by the at least one article (Fig. 2, via angled spray gun 20, spraying the agent while the article are located in the board, which make it obvious that the agent will not cover the region adjacent to and extending around an area to be occupied by the at least one article), wherein the bonding agent is air dried before

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the film is bonded to the backing board (Figs. 2 and 3 and column 2, lines 38-41 and lines 64-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Goodman's a method for the vacuum packaging of at least one article by having a bonding agent to be sprayed to the backing board after placing the articles on the board, as suggested by Forman, in order to provide an improved method for encapsulation which may require a minimum of time and material in the use thereof (column 1, lines 37-40).

Regarding claim 8: Goodman discloses that heating the film to cause the film to bond with the backing board (via open oven 30).

Regarding claim 9: Goodman discloses that heating the film and applying suction (Fig. 3; column 1, lines 57-62) to a face of the backing board opposite the article, substantially simultaneously so that the bonding agent causes the film to bond with the backing board around the or each article to substantially seal in the or each article (Figs. 5-7).

Regarding claim 13: Goodman discloses that applying an ink to the backing board (via 16; column 3, lines 72 and 73).

Regarding claim 14: Goodman discloses that ink is applied to the surface of the backing board (Fig. 2).

Regarding claim 17: Goodman discloses that the recesses are created on the backing board by punching holes (Fig. 2, via holes 18).

Regarding claims 15 and 16: Goodman nor Forman disclose that the ink is applied to the backing board by printing means nor digital photography is used in the printing. However, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Goodman's method as modified by Forman by having the steps of applying ink to the backing board by printing means and having digital photography being used in the printing, as a matter of engineering design choice, since the examiner takes an official notice that the mentioned applying ink to the backing board by printing means and having digital photography is used in the printing are old, well known, and available in the art.

Response to Arguments

Applicant's arguments with respect to claims 6-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700